

REMARKS

Applicants have canceled claims 3, 8, 10 and 11 without prejudice, and amended claims 1, 7 and 12 to more particularly point out and distinctly claim the subject matter which he regards as his invention. Support for the amendments to claims 1 and 12 can be found in the specification at page 7, lines 14-30 and page 9, lines 1-10. Support for the amendments to claim 7 can be found in the specification at page 11, line 24, to page 12, line 3. Upon entry of the amendments, claims 1-2, 4-7, 9 and 12 will be pending and under examination. Reconsideration of this application, as amended, is requested in view of the following remarks.

Independent claim 1 was rejected under 35 USC 102(e) over Saheki et al., US Patent 6,963,274 (Saheki). Applicants submit that Saheki does not describe a transmitter of a tire condition monitoring apparatus including a controller that, "when the vehicle is determined not to be moving . . . sets the transmission power to a first transmission power greater than zero," as recited in amended claim 1.

According to Saheki, "[w]hen the vehicle 10 is not moving, the transmission controller 31 measures the vehicle speed based on the speed detection by the vehicle speed sensor but does not transmit data" (column 4, lines 1-4; column 6, lines 13-21). Indeed, on page 2 of the Office Action, the Examiner acknowledges that the Saheki controller provides "no power to transmitter when the vehicle is not moving." This is in stark contrast to a controller that, "when the vehicle is determined not to be moving . . . sets the transmission power to a first transmission power greater than zero," as recited in amended claim 1.

For at least these reasons, claim 1 is not anticipated by Saheki. For at least the same reasons, claims 2 and 4-6, which depend from claim 1, are also not anticipated by Saheki.

Applicants now turn to independent claim 12. This claim was also rejected for anticipation by Saheki. Applicants submit that Saheki does not describe a method including "setting the transmission power to a first transmission power greater than zero when the vehicle is determined not to be moving," as recited in amended claim 12. For at least the same reasons discussed in conjunction with claim 1, Applicants submit that claim 12 is not anticipated by Saheki.

Finally, independent claim 7 was rejected under 35 USC 103(a) over Robinson III, US Patent 5,838,229 (Robinson). Applicants submit that Robinson would not have rendered obvious a transmitter of a tire condition monitoring apparatus including a detecting device that is “a mechanical switch that is pressed by the wheel when the transmitter is attached to the wheel so that the switch is switched to different states when the transmitter is attached to the wheel and when the transmitter is detached from the wheel,” as recited in amended claim 7.

In this regard, Robinson describes a “system for indicating low tire pressure in vehicles, in which each vehicle wheel has a transmitter” (abstract). In order for the system receiver to learn the transmitter codes, “a strong magnet is swept over the outside of each of the vehicle tires near each respective transmitter” (column 7, lines 2-5). The magnet interacts with a “magnetically-activated learn-mode switch 160 . . . programmed into each transmitter” and the transmitter “transmits its learn signal back to the system receiver” (column 4, line 62-65; column 7, lines 5-8).

Overall, Robinson describes a system to detect a transmitter attached to a vehicle wheel with a “magnetically-activated learn-mode switch” that is switched when swept over with a strong magnet. It does not mention that the magnetically-activated switch is a mechanical switch. Moreover, even if the magnetically-activated switch is a mechanical switch, which Applicants do not concede, Robinson requires a strong magnet to activate the switch. This is in contrast to a switch that is pressed by the wheel. Thus, Robinson fails to suggest “a mechanical switch that is pressed by the wheel when the transmitter is attached to the wheel so that the switch is switched to different states when the transmitter is attached to the wheel and when the transmitter is detached from the wheel,” as recited in amended claim 7.

For at least these reasons, claim 7 is not rendered obvious by Robinson. For at least the same reasons, claim 9, which depends from claim 7, is also not rendered obvious by Robinson.

It is believed that all issues raised regarding the pending claims have been addressed. The absence, however, of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or

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Filed : March 17, 2004
Page : 7 of 7

Attorney's Docket No.: 09253-008001
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all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please charge any fees required for this response, which are not already covered by check, to deposit account 06-1050, referencing Attorney Docket No. 09253-008001.

Respectfully submitted,

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